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17 Counsel for Plaintiff

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19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

21 ANTHONY ANDERSON, Derivatively on
22 Behalf of Nominal Defendant ZENDESK,
23 INC.,

24 Plaintiff,

25 v.

26 MIKKEL SVANE, ELENA GOMEZ,
27 NORMAN GENNARO, MICHELLE
WILSON, CARL BASS, HILARIE
KOPLOW-MCADAMS, MICHAEL
FRANDSEN, THOMAS SZKUTAK,
MICHAEL CURTIS, and CARYN
MAROONEY,

28 Defendants,

29 and

30 ZENDESK, INC., a Delaware Corporation,
31 Nominal Defendant,

32 Case No. 3:20-CV-03671-CRB

33 **JOINT STIPULATION AND ~~[PROPOSED]~~
34 ORDER EXTENDING STAY OF ACTION**

1 Plaintiff Anthony Anderson (“Plaintiff”); Defendants Mikkel Svane, Elena Gomez,
2 Norman Gennaro, Michelle Wilson, Carl Bass, Hilarie Koplow-McAdams, Michael Frandsen,
3 Thomas Szkutak, Michael Curtis, and Caryn Marooney (collectively, the “Individual
4 Defendants”); and Nominal Defendant Zendesk, Inc. (“Zendesk”), by and through their
5 undersigned counsel, hereby stipulate:

6 WHEREAS, on June 2, 2020, Plaintiff commenced the above-captioned action, asserting
7 claims derivatively on behalf of Zendesk against the Individual Defendants;

8 WHEREAS, on June 29, 2020, the Court granted the Parties’ stipulation staying this case
9 until the earlier of any of the following events: (i) the related consolidated securities action
10 captioned *Reidinger v. Zendesk, et al.*, Case No. 3:19-cv-06968 (the “Securities Action”) is
11 dismissed with prejudice; or (ii) any of the Defendants in the Securities Action files an answer in
12 the Securities Action (see Dkt. No. 8);

13 WHEREAS, on July 27, 2020, this Action was designated as related to the Securities
14 Action;

15 WHEREAS, on March 2, 2021, the Securities Action was dismissed with leave to amend;

16 WHEREAS, on March 22, 2021, Lead Plaintiff Local 353, I.B.E.W. Pension Fund (the
17 “Securities Lead Plaintiff”) notified the Court of its decision not to file an amended complaint in
18 the Securities Action and of its intention to pursue its appellate rights after the Court enters
19 judgment;

20 WHEREAS, on March 23, 2021, the Court entered a judgment in the Securities Action;

21 WHEREAS, on April 20, 2021, the Securities Lead Plaintiff filed a notice of appeal of the
22 order granting Defendants’ motion to dismiss the Securities Action (the “Appeal”);

23 WHEREAS, the Parties agree that extending the stay of this Action pending the outcome
24 of the Appeal will promote judicial economy and efficiency of resources; and

25 WHEREAS, this Stipulation is not a waiver of any of the parties’ rights, remedies, claims,
26 or defenses.

27 NOW, THEREFORE, the Parties hereby stipulate and agree, subject to the Court’s
28 approval, as follows:

1 1. This action shall be stayed pending the outcome of the Appeal, subject to the
2 conditions regarding discovery and settlement as stated in the prior Stipulation (Dkt. No. 8).

3 2. Within thirty (30) days of a final decision in the Appeal, the Parties shall confer
4 and submit a proposed schedule for proceedings in this Action.

5 DATED: May 6, 2021

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21 *Counsel for Plaintiff*

1 DATED: May 6, 2021

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19
20 *Counsel for the Individual Defendants and Nominal
Defendant*

21 Pursuant to Civil L.R. 5-1(i)(3), all signatories concur in filing this Stipulation.

22 DATED: May 6, 2021

s/ Pavithra Rajesh

23 Pavithra Rajesh

24 * * *

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 DATED: May 6, 2021

27 
28 HON. CHARLES R. BREYER

JOINT STIPULATION AND [PROPOSED] ORDER EXTENDING STAY OF ACTION